

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2245 OF 2021

Sudeep Jain ..Petitioner
Versus
The State of Maharashtra & Anr. ..Respondents

WITH
CRIMINAL WRIT PETITION NO. 2428 OF 2021

Venkatesh Gomatam ..Petitioner
Versus
The State of Maharashtra & Anr. ..Respondents

WITH
CRIMINAL WRIT PETITION NO. 4146 OF 2021

Fino Babu ..Petitioner
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Shirish Gupte, Senior Advocate a/w. Mr. Kamlesh Ghumre, Mr. Vikrant Singh Negi and Mr. Pratik Thakkar i/b. DSK Legal for Petitioners in all Writ Petitions.

Ms. M. H. Mhatre, APP for State/Respondent No.1 in all matters.

Mr. Omkar Mulekar for Respondent No.2 in all matters.

CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.

DATE : 22 NOVEMBER 2021

P.C. :

. These three Writ Petitions are filed in respect of the same F.I.R. The facts and contentions in these petitions are identical and, therefore, they are disposed of by this common order.

2. In Writ Petition No. 2245 of 2021 the Petitioner is the Managing Director of InterContinental Hotels Group (India) Private Limited. In Writ Petition No.2428 of 2021 the Petitioner is Director of Operations (Finance) of the InterContinental Hotels Group (India) Private Limited. In Writ Petition No.4146 of 2021, Petitioner is the General Manager of the InterContinental Hotels Group (India) Private Limited. The Respondent No.2 is the complainant, is common in all these three petitions.

3. These petitions are been filed to quash the F.I.R. No.20 of 2021 registered with Koregaon Park police station by the Respondent No.2 complainant on 20 February 2021 under sections 406, 420 read with 34 and 120B of the Indian Penal Code.

4. The Respondent No.2 has lodged an F.I.R. basically contending that the hotel of the Respondent No.2 was given on contract basis to the InterContinental Hotels Group (India) Private Limited and out of this transaction the dispute arose between the parties leading to monetary liability, as well as, offences punishable under sections 406, 420 r/w. 34 and 120B of the Indian Penal Code.

According to the Respondent No.2, the Petitioners cheated the Respondent No.2 of the amounts specified in the F.I.R. and had entered into a conspiracy to cheat the Respondent No.2.

5. The learned Senior Advocate for the Petitioners and the learned counsel for the Respondent No.2 states that, after filing of these petitions the parties have entered into a settlement and the Respondent No.2 has given consent to quash the F.I.R. and has filed affidavits to that effect. The learned counsel for the Respondent No.2 states that Mr. Sreenivasan Hariharan, the employee of the Respondent No.2 is present in the court and he has given instructions to the learned counsel for the Respondent No.2 to give consent for quashing of F.I.R., in addition to filing of the affidavit.

6. We have perused the contents of the F.I.R. Having perused the contents of the F.I.R. and having heard the arguments advanced before us with a request of quashing of F.I.R. by consent, it is clear that the facts would fall within the law laid down by the Hon'ble Apex Court in the case of *Gian Singh Vs. State of Punjab and another*¹, wherein the Hon'ble Apex Court has held that the High Court has inherent power to quash the F.I.R. in cognizable offence by consent, in certain cases, such as present one, arises out of a commercial dispute and which does not have impact on the society as such. The F.I.R. in question indicates a purely private commercial dispute. We do not find any reason as to why this

¹(2012) 10 Supreme Court Cases 303

position of law laid down should not be made applicable to the present case.

7. Accordingly, these three Writ Petitions are allowed in terms of prayer clause (A).

8. The F.I.R. No.20 of 2021 registered with Koregaon Park police station, on 20 February 2021 under sections 406, 420 read with 34 and 120B of the Indian Penal Code against these three petitioners is quashed and set aside.

9. The Petitioners and Respondent No.2 will pay an amount of Rs.50000/- each to the Mumbai Police Welfare Fund, Axis Bank Account No. 465010100008693, IFSC Code UTIB0000465, Lamington road branch, towards the cost within a period of four weeks.

10. The order passed today is conditional upon payment of the cost.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)